

BACB Newsletter



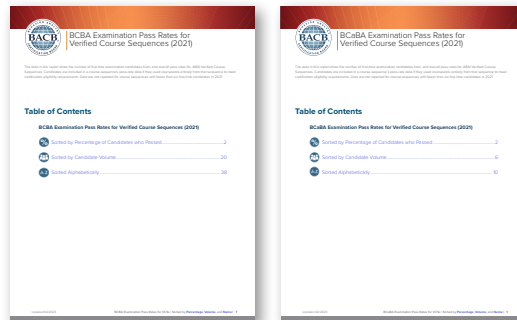
NOTICE: The information contained in BACB Newsletters may be outdated and should be independently verified via our website.

Content:

- ▶ 2021 University Pass-Rate Reports Available 1
- ▶ Thank You to Our Testing SMEs 1
- ▶ Beware of Test Preparation Scams 2
- ▶ New Resources About Using BACB Intellectual Property.... 3
- ▶ Communications From the Ethics Department 3
 - ▶ Self-Reporting to the Ethics Department..... 3
 - ▶ How the Ethics Department Processes Notices of Alleged Violation..... 4
- ▶ How the BACB Publishes Disciplinary Consequences 5
- ▶ RBTs Quitting Without Sufficient Notice 6
- ▶ Considerations for Submitting Notices Against BACB Certificants as Claims Reviewers 6
- ▶ Keeping Track of Periodic Changes to Ethics Codes.. 7
- ▶ Recent and Upcoming Changes to BACB Requirements 7

2021 University Pass-Rate Reports Available

The BACB® recently released the 2021 [pass-rate reports](#) for BCBA® and BCaBA® ABAI Verified Course Sequences. Each report includes pass-rate data sorted in 3 ways: by training program pass rate, name, and size (in terms of first-time candidates). When using the reports, we suggest that you evaluate each program’s pass rate on its own in terms of the likelihood of its graduates passing the examination on their first attempt (e.g., a 60% pass rate would roughly indicate a 3-in-5 chance of passing). We recommend that you do not compare a training program’s pass rate with the overall examination pass rate, as the overall pass rate is impacted by several large programs. Finally, because many individuals pursuing BCBA and BCaBA certification first encounter behavior analysis while working in service organizations, we encourage leaders at those organizations to become familiar with these reports and share them with staff who are interested in a university education in behavior analysis.



Thank You to Our Testing SMEs

The BACB would like to thank the 109 volunteer Testing Department subject matter experts (SMEs) at the end of their 2-year SME term. Their dedication during unprecedented times resulted in the successful creation of substantial BACB certification examination content.

In 2021, the BACB hosted 16 virtual examination-development activities that included item-development assignments that the SMEs completed independently over a specified period of time. This approach, dictated by the pandemic, had never been used before by the BACB. The SMEs rose to the occasion and even provided feedback after each activity to improve the process.

WWW.BACB.COM

© 2023 Behavior Analyst Certification Board®, Inc. (BACB®). All rights reserved.

February 2020 had been the last time Testing Department SMEs were on-site at the BACB offices in Littleton, CO, so we were pleased to welcome them back in April 2022. The BACB hosted a total of 15 in-person events in 2022, and SME participation reached an all-time high. The workshops were interactive and engaging, and the SMEs applied themselves in ways that exceeded each workshop goal.

Thanks to these SMEs, the BCBA, BCaBA, and RBT® certification examinations remain valid, reliable, and an accurate representation of the industry. We extend our gratitude to the many SMEs who volunteered their time and knowledge this past term, and we look forward to working with the new SMEs who will begin serving in January 2023 to continue the work.

Beware of Test Preparation Scams

Over the past few years, the BACB has seen an increase in social media scams targeting candidates who are preparing for their certification examinations. Many of these scams trick candidates into purchasing fake or fraudulent study materials. Here are a few tips for identifying and avoiding these common scams.

Identifying Scams:

- A scam that we often see takes place in social media ABA groups when candidates reach out for recommendations on studying for their examination. Typically, a private party will respond and offer their services. To gain the candidate's trust, they will ask for an initial "good faith" payment in exchange for study materials. They often request that the candidate pays with a gift card or through a mobile payment app, like Zelle, Venmo, or Cash App. Once they receive payment, they will delete their social media profile, provide no materials, and keep the candidate's money.
- Another familiar scam happens on examination preparation websites that claim to provide **actual** BACB examination content. You might see their advertisements in ABA groups on Facebook or other social media platforms. These so-called "exam dump sites" typically request payment in exchange for a BACB exam-prep experience. However, as you might have already guessed, **the BACB does not release examination content**, and these sites are scams.

In both situations, the seller usually provides a temporary phone number that can be easily deleted—a service provided by companies like WhatsApp and Google. These services allow the seller to use the same area code as the buyer, leading the buyer to believe that they are working with someone in their area who understands the local examination process.

While the BACB monitors web content and immediately investigates reported scams, it is important that you are vigilant. Here are some tips for staying safe.

Avoiding Scams:

- Only trust reputable examination preparation companies that have public ratings and reviews. Read their product and service descriptions carefully and remember that **the BACB does not provide examination content** to any individual or company.
- If you are contacted privately and asked for money in exchange for examination preparation materials, or if you think that an offer sounds like a scam, you are probably right. Please help yourself and others by reporting this information to cheating@bacb.com.

Again, because many individuals pursuing BCBA and BCaBA certification first encounter behavior analysis while working in service organizations, we encourage leaders at those organizations to help candidates avoid these types of scams and identify legitimate exam-preparation courses.

New Resources About Using BACB Intellectual Property

The BACB has 2 new resources related to its intellectual property: The [Guidelines for Use of BACB Intellectual Property](#) web page (Guidelines) and the [How to Represent Your BACB Certification Status](#) blog post. The Guidelines demonstrate proper and improper use of the BACB's trademarks, certification marks, and copyrighted materials. Types of use addressed within include, but are not limited to, BACB trademarks in:

- company names
- email addresses
- social media profiles
- domain names
- product or service names
- merchandising
- NPI Registry entries
- university program names

The blog post contains valuable information about the appropriate use of BACB certification marks to represent certification status. Please review both resources to ensure that you and your supervisees are in compliance with the BACB's ethics requirements and applicable laws.

Communications From the Ethics Department

Self-Reporting to the Ethics Department

Standards 1.16 of the [Ethics Code for Behavior Analysts](#) and 3.04 of the [RBT Ethics Code \(2.0\)](#) require certificants and applicants to comply with all self-reporting requirements of the BACB and other required entities (e.g., employer, licensure board, supervisor). Certificants and applicants must report required information within 30 days of the event or of becoming aware of the event. When submitting an initial or renewal/recertification application, certificants and applicants must also report whether they (a) have a physical or mental health condition or substance use disorder that could impair their ability to practice safely and competently or (b) are part of any relevant disciplinary or legal investigations or actions. Answering “yes” to either of those questions will result in their application being placed on hold until a self-report is submitted and reviewed. It is important that certificants submit their renewal/recertification applications well in advance of the deadline so that the review of any related self-report does not delay processing.

The BACB provides several resources to support certificants and applicants as they decide whether to self-report. The [BCBA](#), [BCaBA](#), and [RBT Handbooks](#) are the best tools for learning about BACB self-reporting requirements, as they outline the types of events and information that must be self-reported, including noncompliance with BACB-required supervision, changes to personal information, and critical events. Changes to personal information, such as their email or mailing address, are simply reported by updating their BACB account. Critical events, which must be formally self-reported, are violation(s) of ethics requirements; physical and mental health conditions and substance use disorders; investigations; and agreements and actions. The following are examples of critical events:

- violation(s) of BACB ethics requirements (e.g., engaging in a multiple relationship with a supervisee, trainee, or client)
- voluntary or involuntary placement in a treatment facility or hospital in the past 3 years due to a mental or physical health condition that directly impacts the ability to practice safely and competently
- investigations (and their outcomes) conducted by an employer, a state or federal agency, or an educational institution triggered by a complaint, irregularity, or alleged BACB ethics violation
- billing or quality control audit that resulted in an order to repay money due to overbilling and a penalty that exceeded \$2,500 (or USD equivalent)

- termination by an employer due to a violation of any BACB standard
- denial of a professional license or certification application for conduct or competence reasons
- criminal or civil lawsuits
- settlement agreements or consent orders

Visit any certificant handbook for further details about critical events.

A key point to highlight is that if the certificant or applicant has an active and effective care plan in place, they do not need to self-report a physical or mental health condition or substance use disorder. However, they must submit a self-report if at any time that care plan is no longer active or effective (i.e., their ability to practice safely and competently is impacted) or if it is recommended by their provider. They must also submit a self-report if a company that they own, or a company in which they hold a primary decision-making role, is the subject of an investigation. This is true even if they are not directly named, as they hold significant responsibility for the operations of that company. Lastly, investigations must be self-reported within 30 days of becoming aware of the investigation.

Self-reports are submitted through the [Self-Reporting](#) web page. Toward the beginning of the submission process, the submitter will be prompted to complete the [Self-Reporting Statement](#), which will ask a series of questions to help them describe the event(s) they are reporting. This statement also gives instructions on how to organize supporting documentation to avoid processing delays. Remember that submitting a self-report does not mean that a case will be processed through the Disciplinary or Education System. The Ethics Department reviews each submission and determines whether to clear it, request regular updates on its status, or escalate it to a Notice of Alleged Violation.

How the Ethics Department Processes Notices of Alleged Violation

The mission of the BACB's Ethics Department is to protect consumers of behavior-analytic services by communicating ethics requirements and providing mechanisms to address potential ethics violations. The department fulfills this mission by implementing code-enforcement procedures and ensuring due process for all certificants and applicants named in a Notice of Alleged Violation (Notice).

The following is a summary of how Notices are processed. See the [Code-Enforcement Procedures](#) for details.

The Ethics Department evaluates the Notice. When the Ethics Department receives a Notice, staff must first evaluate it to determine whether it meets the criteria for processing. For example, the Notice must have been submitted against someone over whom the BACB has jurisdiction (i.e., BACB certificants, individuals who have submitted and paid for BACB certification applications). The BACB does not have jurisdiction over organizations/agencies, noncertified individuals, or trainees. Additionally, the Notice must have been submitted within 6 months of the alleged violation(s) or within 6 months of the Notifier becoming aware of the alleged violation(s). The Notice cannot appear to have been submitted in retaliation, and it may not have been submitted against a regulator acting in their official capacity with state immunity.

The Notice must also contain documentation that supports the alleged violation(s). The BACB is not an investigatory body, so the Notifier must have provided conclusive documentation that is not speculative or based on hearsay. Examples include documentation of training or performance feedback, a letter of termination, text messages/emails, court documents, documentation of an outcome from a third-party investigation, and behavioral assessment and intervention documents. Photo and video documentation may also be submitted, though videos must be submitted separately as follows: The Notifier must note in their submission that video documentation is available, after which a BACB staff member will contact them with submission instructions. Eyewitness accounts may also be submitted and should include a notarized [affidavit](#) for legitimacy. To protect the confidentiality of consumers, certificants, and applicants, documentation including personally identifiable information (PII) must be properly redacted. If supporting documentation is not properly redacted to remove PII, the BACB may return it to the Notifier with a request to correct and resubmit. Video documentation does not need to be redacted; however, photo documentation that includes images of service recipients does.

In instances where the alleged violation(s) have also been submitted to a third party with investigative powers (e.g., law enforcement, licensure/regulatory body, third-party payer), the BACB will often (but is not required to) postpone the processing of the Notice until the third party, which may have greater investigatory authority, issues a final determination. In these instances, the BACB will close the case and request that the Notifier resubmit with documentation of the investigation's outcome. This process allows the BACB to evaluate cases based on the findings of third parties, minimizing the BACB's unintended impact on third-party investigations.

The Subject can review the Notice and respond. Once the BACB determines that it will process the Notice, the Subject (i.e., the individual named in the Notice) is given an opportunity to review the Notice and supporting documentation and submit a response. This is the Subject's chance to either admit to the alleged violation(s) and provide additional context, or refute the allegations. If the Subject decides to provide additional context, they must follow the documentation guidance given in the previous section. The BACB does not allow anonymous reporting, except in cases where all evidence is publicly available.

To ensure that they receive these communications from the Ethics Department, certificants and applicants should update the personal information in their BACB accounts and mark the BACB as a safe sender in their email accounts. While the BACB makes every reasonable attempt to contact certificants and applicants regarding ethics matters, it is their responsibility to ensure that their contact information is accurate and up to date. Failure to respond to requests from the BACB may result in a summary suspension of certification or eligibility (see the [Code-Enforcement Procedures](#) for additional information).

The Ethics Department routes the Notice. Upon receiving the Subject's response and supporting documentation, the Ethics Department evaluates the case to determine whether it meets the criteria to be routed to the Disciplinary or Education System. In situations where the Subject provides documentation that adequately refutes the allegation(s), or where all appropriate actions have been taken to prevent the alleged violation(s) from occurring again, the BACB may decline the Notice and close the matter. If the case is routed to the Disciplinary System, a committee reviews all related documentation and determines whether a violation occurred. If so, it assigns appropriate consequences. If it is determined that the Subject would likely benefit from targeted professional development, the case may be routed, at the discretion of the BACB, to the Education System. In this event, the Subject may receive an Educational Memorandum (i.e., feedback), a Notice of Required Action (e.g., website corrections, submission of a policy and procedure), or voluntary coaching (i.e., an educational and professional development process).

How the BACB Publishes Disciplinary Consequences

Certificants and applicants found to have violated one or more ethics requirements by a disciplinary review committee are assigned specific disciplinary consequences, of which there are 2 groups: corrective actions and sanctions (see the [Code-Enforcement Procedures](#) for details). Sanctions become final when they are not appealed in a timely manner or, if appealed, when the Appeal Committee determines that they still apply. Final sanctions are published in a certificant's record in the [Certificant Registry](#), indicated by a "+" next to their certification status. Expanding the certificant's record will open a window that includes more information about the sanction(s).

The BACB publishes sanctions for the purpose of protecting clients, stakeholders, and others, such as trainees, supervisees, and employers. If you are interested in getting more information about a certificant's sanctions, you may contact the individual directly (e.g., using a known email address, using the contact link in their Certificant Registry record) and ask for a copy of their Disciplinary or Appeal Determination. If they give you said determination, you may ask the BACB's Ethics Department to verify the document by submitting it through the [Responding to Requests](#) web page. When submitting, use the Case ID number on the determination document and select Updates about a Notice of Alleged Violation/Open Case from the dropdown options. This information has also been added to the bottom of the Certificant Registry. If you are currently hiring a certificant, finding a supervisor, or looking for a provider, consider searching the certificant's name in the registry to confirm that they are actively certified and do not have any sanctions that may impact their ability to provide services or supervision.

RBTs Quitting Without Sufficient Notice

RBTs are critical to many service environments and the success of their clients. When an RBT quits with little or no notice, leaving no time for their organization to find and train a replacement, it can negatively impact their clients, stakeholders, and coworkers. This is not only unprofessional but, in some circumstances, a violation of the employment contract. Even so, an RBT leaving abruptly may not necessarily constitute an ethics violation. The responsibility for continuity of services rests with the assigned BCBA or BCaBA and the provider organization, not the RBT providing direct services. Therefore, it is not appropriate to submit a Notice against an RBT just because they quit their job abruptly, even if it resulted in missed sessions for clients. More guidance on the conditions in which you should consider submitting a Notice against an RBT can be found on the [Reporting Alleged Violations Against RBTs](#) web page and in the [Considerations for Reporting an Alleged Violation Against an RBT](#) document.

Please understand that this does not mean RBTs should feel free to quit abruptly. They are vital to the success of a client's progress, and disruptions to programming can have negative impacts. RBTs should do their best to follow the requirements in their employment contract and give ample notice of employment changes when possible. The [Continuity of Services: Reminders for RBTs](#) document has more information on this topic. Additionally, the [Continuity of Services](#) toolkit can be helpful in evaluating and developing processes to manage a situation in which an RBT quits without notice.

Considerations for Submitting Notices Against BACB Certificants as Claims Reviewers

As our profession continues to grow and behavior analysts branch out to serve it in new ways, some have found employment as claims reviewers with commercial insurance companies. BACB certificants serving in such roles have the potential to positively impact consumers and the profession. As with any professional activity, with those opportunities for positive impact comes the potential for ethics violations. The Introduction to the [Ethics Code for Behavior Analysts](#) (Code) describes its scope as follows:

The Code applies to behavior analysts in all of their professional activities, including direct service delivery, consultation, supervision, training, management, editorial and peer-review activities, research, and any other activity within the ABA profession. The Code applies to behavior analysts' professional activities across settings and delivery modes (e.g., in person; in writing; via phone, email, text message, video conferencing).

Based on this description, if a BACB certificant is engaged in professional activities within the ABA profession and uses their certification in that role, the Code applies to those activities. By extension, a Notice related to said professional activities may be submitted against them and evaluated in accordance with the BACB's [Code-Enforcement Procedures](#).

To be accepted for processing, the Notice must meet the criteria described previously. However, in this scenario, examples of supporting documentation might include a finding of misconduct from a third party (e.g., licensure board), documentation of a claims denial that **clearly** contradicts scientific or clinical evidence in a gross or repeated manner and without convincing justification, or documentation of a violation of the payer-provider contract. The Notice must clearly indicate how the allegation(s) constitute a violation of the Code, and a difference of professional opinion does not necessarily meet that requirement. Remember that the BACB does not accept documentation that contains PII of service recipients, so submissions must be properly redacted.

For additional guidance on submitting a Notice, please see the [Considerations for Reporting an Alleged Violation Against a BCaBA/BCBA](#) document.

Keeping Track of Periodic Changes to Ethics Codes

Over the past few years, the BACB published the [Ethics Code for Behavior Analysts](#) and the [RBT Ethics Code \(2.0\)](#). Occasionally, we will make changes to these documents between editions. All changes are documented in the revision history dropdowns on the [Ethics Codes](#) web page. There, you will see that the first edit to the Ethics Code for Behavior Analysts has been published. Following a review of the glossary terms, we identified the need to define *assent*, which now appears in the Code as follows:

Vocal or nonvocal verbal behavior that can be taken to indicate willingness to participate in research or behavioral services by individuals who cannot provide informed consent (e.g., because of age or intellectual impairments). Assent may be required by a research review committee or a service organization. In such instances, those entities will provide parameters for assessing assent.

Please be sure to periodically check the [Ethics Codes](#) web page to review these tables and get the most up-to-date versions of the codes.

Recent and Upcoming Changes to BACB Requirements

The following table summarizes important changes to certification requirements that have been announced in BACB newsletters.

Effective Date	Area	Change	Source
January 1, 2023	Application and Examination Jurisdiction	Only individuals who reside in the US, Canada, Australia, or the UK may apply for BACB certification and/or take a BACB examination.	Recent Changes to the BACB's International Focus December 2019 announcement
July 1, 2023	Coursework from VCSs approved under Alternative Pathways	The BACB will no longer accept non-university coursework, including coursework from a Verified Course Sequence approved under an Alternative Pathway in which courses are taught outside of an accredited educational institution.	International Development & Support web page
January 1, 2024	BCBA and BCaBA Coursework Expiration Policy	A rolling 10-year expiration date will be placed on coursework submitted as part of a BCBA or BCaBA certification application.	March 2022 Newsletter
January 1, 2025	BCBA Examinations	The BCBA examination will be based on the BCBA Test Content Outline (6th ed.).	February 2022 Newsletter
	BCaBA Examinations	The BCaBA examination will be based on the BCaBA Test Content Outline (6th ed.).	February 2022 Newsletter
January 1, 2026	BCBA and BCaBA Verified Coursework	All Pathway 2 certification applications will require that a VCS Coordinator Coursework Attestation is completed by a designated program contact.	January 2023 announcement to VCS Coordinators

Effective Date	Area	Change	Source
January 1, 2027	BCBA Eligibility and Maintenance Requirements	Revisions to core certification requirements, including degree, coursework, supervised fieldwork, continuing education, and ongoing supervision. Pathways 3 and 4 discontinued.	March 2022 Newsletter
	BCaBA Eligibility and Maintenance Requirements	Revisions to core certification requirements, including degree, coursework, supervised fieldwork, continuing education, and ongoing supervision.	March 2022 Newsletter
January 1, 2032	BCBA Eligibility Pathways	Pathway 1, which requires a degree from an accredited university training program, will be the only eligibility pathway for BCBA certification.	March 2022 Newsletter